

REMARKS/ ARGUMENTS

The Office Action of August 4, 2005 has been carefully reviewed and this response addresses the Examiner's concerns.

I. Status of the Claims

Claims 1 and 3-25 are pending in this application.

Claims 6, 7, 24 and 25 are allowed.

Claims 1, 3-5, 8-16 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buzsaki (U.S. 6,334,193) in view of How Networks Work (Derfler, Jr., F. J. et al., 2000.)

Claims 17 and 18 are objected to because of a typographical error in claim 17.

Claims 1, 13, 17, 20 and 25 are amended to more clearly define the invention by incorporating the definition of management policy given in the specification and which would be understood by one skilled in the art.

Support for Amendments to the Claims

The phrase "the management policy being capable of defining how network elements are managed and comprising a set of stored parameters that determine the decision-making in a management system," presents a definition of management policy which would be understood by one skilled in the art, as will be detailed below, and finds its support in paragraph 12 of this specification of the present application.

The term "management policy" also has a well-defined meaning in terms of managing at least one network element of a communication network. For example, in his 1994 paper, Sloman defined management policy as "the information which influences the interactions between a **subject** and a **target** and so the policy specifies a relationship between the subject and target." (Morris Sloman, **POLICY DRIVEN MANAGEMENT FOR DISTRIBUTED SYSTEMS**, Journal of Network and Systems Management, Plenum Press. Vol.2 No. 4, 1994). The definition of "management policy" has been incorporated into RFC 3198 and RFC 3060 (RFC 3198 available at <http://rfc.sunsite.dk/rfc/rfc3198.html> and RFC 3060 is available at <http://rfc.sunsite.dk/rfc/rfc3060.html>). Using the definition that is common to both RFC 3198 and RFC 3060, policies can be defined as "capable of defining how network

elements are managed and comprising a set of stored parameters that determine the decision-making in a management system.”

II. The 35 U.S.C. §103 rejections

Claims 1, 3-5, 8-16 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buzsaki (U.S. 6,334,193, the ‘193 patent) in view of How Networks Work (Derfler, Jr., F. J. et al., 2000.)

Amended claim 1 claims a method for defining a management policy for controlling behavior of a management system, where the management system manages at least one network element of a communication network, said method comprising:

executing a program on a processor-based device that presents a user interface for defining said management policy, said management policy being capable of defining how network elements are managed and comprising a set of stored parameters that determine decision-making in a management system;

receiving input from a user identifying management action to be performed by said management policy; and

receiving input from a user specifying a modifiable process flow for said management policy to utilize in performing said management action.

Claims 13 and 20 are similarly amended to include the definition of a management policy as “said management policy being capable of defining how network elements are managed and comprising a set of stored parameters that determine decision-making in a management system.”

Amended claim 13 recites management system managing at least one network element of a communication network, the management system comprising:

software program stored to a data storage device, said software program executable to present a user interface for defining a management policy for controlling behavior of said management system, the management policy being capable of defining how network elements are managed and comprising a set of stored parameters that determine decision-making in a management system;

at least one processor-based device operable to execute said software program; and

at least one input device communicatively coupled to said at least one processor-based device to allow input from a user to said software program to identify management action to be performed by said management policy and to specify a modifiable process flow for said management policy to utilize in performing said management action.

Amended claim 20 recites a computer program product comprising:

a computer readable medium having computer readable code embodied therein, said computer readable code being capable of causing a processor to:

arrange management actions in a user-defined manner, said user-defined manner dictating a modifiable process flow for a management policy to utilize in performing said management actions upon invocation of said management policy, said management policy being capable of defining how network elements are managed and comprising a set of stored parameters that determine decision-making in a management system,

define said management policy having attributes that control behavior of a management system in managing at least one network element of a communication network, said attributes comprising: process list attribute having said management actions included therein.

The Examiner states that the '193 patent teaches executing a program on a processor based device that presents a user interface for defining a management policy in col.4, lines 1-6 of the '193 patent. Applicants respectfully state that the '193 patent does not teach a user interface for defining a management policy capable of defining how network elements are managed and comprising a set of stored parameters that determine decision-making in a management system. The '193 patent teaches an error handling process that is a workflow process and a process engine that is capable of executing workflow processes. The '193 patent teaches that users can create or modify a workflow process. The workflow process does not, and there's no teaching in the '193 patent that it does, determine decision-making in the management system. The '193 patent also does not teach a management system. Therefore the '193 patent does not teach a management policy capable of defining how network elements are managed and comprising a set of stored parameters that determine decision-making in a management system.

Applicants' claimed invention of claim 1 recites a user interface for defining a management policy capable of defining how network elements are managed and comprising a set of stored parameters that determine decision-making in a management system. One skilled in the art would understand that using the applicants claimed invention recited in claim 1, the user can define a management policy that modifies the process flow such that, for example, but not only limited to this example, jump statements are included, where in a previous process flow there were no such jump statements (see, for example, paragraph 69 and 70 of the applicants' specification).

By the arguments presented above, it is clear that the '193 patent does not teach a software program executable to present a user interface for defining a management policy as recited in claim 13. The '193 patent also does not teach computer readable code embodied therein, said computer readable code being capable of causing a processor to:

arrange management actions in a user-defined manner, said user-defined manner dictating a modifiable process flow for a management policy to utilize in performing said management actions upon invocation of said management policy as recited in claim 20.

In contrast, the '193 patent teaches a system for handling an error by identifying an activity that generated the error. The system determines whether the activity has an associated user-defined error handling process. If the activity has an associated user-defined error handling process, then the system executes the associated user-defined error handling process. If the activity does not have an associated user-defined error handling process, then the system executes a default error handling process. In one instance of the system taught by the '193 patent, the error handling process is a workflow process and users can create or modify a workflow process using a workflow process editing mechanism (col. 4, lines 1-6, the '193 patent). The process definitions are stored in a table or database (120 in Fig. 4, the '193 patent). In such a system, in order to create or modify a workflow process the user has to edit or rewrite the elements of the table and reload the table in some cases. The management system must be shut down, or operate using the previous management workflow process, while the table is being edited, rewritten and reloaded. Therefore, using the teachings of the '193 patent, management behavior (that is, management protocol) can not be

changed in major ways, such as introducing jumps, without interrupting management of the network elements.

How Networks Work (Derfler, Jr., F. J. et al., 2000) does not teach the claimed limitation that a management policy capable of defining how network elements are managed and comprising a set of stored parameters that determine decision-making in a management system.

Applicants respectfully assert that, among other limitations of the present claimed invention, neither the '193 patent nor Derfler, Jr., F. J. et al., separately or in combination, teach a management policy capable of defining how network elements are managed and comprising a set of stored parameters that determine decision-making in a management system. Therefore, applicants respectfully assert that the prior art reference (or references when combined) do not teach or suggest all the claim limitations.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” (MPEP 2143)

Applicants respectfully assert that a *prima facie* case of obviousness has not been established for independent claims 1, 13, and 20. Applicants also respectfully assert that claims 1, 13 and 20 are patentable over Buzsaki in view of Derfler, Jr., F. J. et al.

Claims 3-5 and 8-12 are dependent on claim 1; claims 14-16 and 19 are dependent on claim 13; and claims 21-23 are dependent on claim 20. Therefore, Applicants respectfully assert that a *prima facie* case of obviousness has not been established for claims 3-5, 8-12, 14-16, 19, and 21-23 and that claims 3-5, 8-12, 14-16, 19, and 21-23 are patentable over Buzsaki in view of Derfler, Jr., F. J. et al..

III. The Claim Objections

Claims 17 and 18 are objected to because of a typographical error in claim 17.

Claim 17 has been amended to remove a tilde in front of the word "logging" in line 11. Claim 18 depends from claim 17. Claims 17 and 18 were previously allowed. Applicants believe that correction of this typographical error places claims 17 and 18 in condition for allowance.

IV. Conclusion

Applicants respectfully assert that a prima facie case of obviousness has not been established and, since the 35 USC §103 rejection is no longer applicable, that claims 1, 3-5, 8-16, and 19-23 are patentable over Buzsaki in view of Derfler, Jr., F. J. et al. and should be allowed.

In conclusion, in view of the above remarks, Applicants respectfully assert that the claims in this application are now in condition for allowance and respectfully request the Examiner to find claims 1, 3-5, 8-16, and 19-23 allowable over the prior art. Since claims 6-7, 17-18 and 24-25 are already allowed, Applicants respectfully request the Examiner to pass this case to issue.

No additional fees are believed to be required for the entry of this response. If additional fees are required, they should be charged to Deposit Account No. 50-1078.

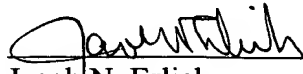
In accordance with Section 714.01 of the MPEP, the following information is presented in the event that a call may be deemed desirable by the Examiner:

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Respectfully submitted,
Gary R. Klein et al., Applicants

Dated: November 4, 2005

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